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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
BILLY REO HOWARD,  
  
Defendant.

CASE NO. 1:22-CR-00240-ADA-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: August 9, 2023  
TIME: 1:00 p.m.  
COURT: Hon Barbara A. McAuliffe.

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on August 9, 2023.
2. By this stipulation, defendant now moves to continue the status conference until September 27, 2023, and to exclude time between August 9, 2023, and September 27, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that initial discovery associated with this case has been provided. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying. The government has made inquiries and is in the process of ascertaining if there are additional reports /other discovery that needs to be processed

1 and provided to the defense.

2 b) A plea agreement has been provided to the defense and the parties have been  
3 actively negotiating. Additional time is needed to finalize negotiations.

4 c) Counsel for defendant believes that failure to grant the above-requested  
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
6 into account the exercise of due diligence.

7 d) The government does not object to, and agrees with the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the  
9 case as requested outweigh the interest of the public and the defendant in a trial within the  
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 et seq., within which trial must commence, the time period of August 9, 2023 to September 27,  
13 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
14 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
15 of the Court's finding that the ends of justice served by taking such action outweigh the best  
16 interest of the public and the defendant in a speedy trial.

17 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
19 must commence.

20 IT IS SO STIPULATED.

21  
22 Dated: August 2, 2023

PHILLIP A. TALBERT  
United States Attorney

23  
24 /s/ LAUREL J. MONTOYA  
25 LAUREL J. MONTOYA  
26 Assistant United States Attorney

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1 Dated: August 2, 2023

/s/ SERITA RIOS

SERITA RIOS

Counsel for Defendant

BILLY REO HOWARD

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5 **ORDER**

6 IT IS SO ORDERED that the status conference is continued from August 9, 2023, to **September**  
7 **27, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to  
8 18 U.S.C. § 3161(h)(7)(A), B(iv).

9 IT IS SO ORDERED.

10 Dated: **August 3, 2023**

/s/ *Barbara A. McAuliffe*

11 UNITED STATES MAGISTRATE JUDGE  
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